

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

GATX CORPORATION,	)	
	)	
Plaintiff,	)	
	)	No. 1:19-cv-04790-AT
v.	)	
	)	
GEORGIA POWER CO.,	)	
	)	
Defendant.	)	

**JOINT MOTION TO EXTEND SCHEDULING ORDER DEADLINES**

Plaintiff and Defendant, pursuant to Fed. R. Civ. P. 16(b)(4), hereby move to revise the Court’s January 10, 2020 Scheduling Order [Dkt. 17] (as modified by the Court’s March 17, 2020 Order and Notice for All Civil Cases Assigned to Docket of Judge Totenberg [Dkt. 22], and the Court’s December 4, 2020 Amended Scheduling Order [Dkt. 39]).

The Court’s December 4, 2020 Amended Scheduling Order provided: “Absent exceptional circumstances, **NO FURTHER EXTENSIONS SHALL BE GRANTED.**” [ECF No. 39] (emphasis in original). Therefore, in support of this Motion, the parties outline for the Court the following exceptional circumstances and the parties’ efforts to diligently pursue discovery.

As directed by the Court, since the parties' March 9, 2021 Consolidated/Joint Discovery Statement [ECF No. 46] ("Statement") and discovery conference with the Court on March 15, 2021 ("Conference"), the parties have worked to resolve outstanding discovery issues raised in the Statement and Conference. In particular, the parties have been working on the transfer of documents and electronically stored data related to the Finite Element Analysis ("FEA") modeling. (Statement at 6-7; Conference Transcript 32:1-36:21). Following several supplemental productions, and a series of technical obstacles due to the size of the data involved, the production of the FEA data was successfully completed on April 6, 2021. As discussed at the Statement and Conference, the FEA is a complex algorithmic computer analysis derived from a series of native files that requires special software to access and use. (Statement at 6-7). An extension of the current schedule is necessary to allow Defendant to analyze the recently produced documents and files, reschedule the deposition of GATX engineer Gabriel Buzas to permit time for such analysis, and provide expert witnesses with sufficient opportunity to consider this discovery and incorporate it into their reports and opinions as necessary.<sup>1</sup>

---

<sup>1</sup> Other than GATX's responses to Defendant's final written discovery requests currently due on April 19, 2021, GATX believes that its production is complete. Georgia Power believes that additional supplementation is required based on the deposition of GATX's corporate representative on April 9, 2021, and the parties are working through those issues now.

The parties therefore propose extending the current deadlines applicable in this matter by four weeks as follows:

Event	Current Deadline	Proposed Deadline
End of fact discovery period	April 21, 2021	April 21, 2021, with Georgia Power Company permitted to conduct (1) the deposition of Gabriel Buzas and (2) any additional follow-up and supplementation to previously propounded discovery related to the Finite Element Analysis up through and including May 14, 2021
Disclosure of experts and reports	April 26, 2021 (with parties to offer dates for expert depositions between April 27 and May 25, 2021)	May 24, 2021 (with parties to offer dates for expert depositions between May 25, 2021 and June 22, 2021)
Disclosure of rebuttal experts and reports	June 1, 2021 (with parties to offer dates for rebuttal expert depositions between	June 29, 2021 (with parties to offer dates for rebuttal expert depositions between

Event	Current Deadline	Proposed Deadline
	June 2 and June 25, 2021)	June 30 and July 23, 2021)
End of expert discovery period	June 25, 2021	July 23, 2021
Deadline to file Motions to Compel	June 25, 2021	July 23, 2021
Deadline to hold post-discovery settlement conference	July 13, 2021	August 10, 2021
Deadline to file summary judgment motions	July 27, 2021	August 24, 2021
Deadline to file pretrial order	30 days after court rules on any pending motions for summary judgment	30 days after court rules on any pending motions for summary judgment
Deadline to file <u>Daubert</u> motions with regard to expert testimony	30 days after court rules on any pending motions for summary judgment	30 days after court rules on any pending motions for summary judgment

This is the second request to modify the Scheduling Order and the request is made in good faith and not for purposes of delay.

WHEREFORE, for the foregoing reasons, Plaintiff and Defendant jointly request that the Court grant their Motion and grant such further relief as this Court deems just and proper.

A proposed Order is attached for the Court's consideration.

Respectfully submitted: April 14, 2021

/s/ John C. Gekas

John C. Gekas  
john.gekas@saul.com  
Admitted *Pro Hac Vice*  
Michael J. Pollock  
michael.pollock@saul.com  
Admitted *Pro Hac Vice*  
SAUL EWING ARNSTEIN & LEHR LLP  
161 North Clark Street, Suite 4200  
Chicago, Illinois 60601  
(312) 876-7100

James W. Cobb  
jcobb@caplancobb.com  
Georgia Bar No. 420133  
T. Brandon Waddell  
bwaddell@caplancobb.com  
Georgia Bar No. 252639  
CAPLAN | COBB LLP  
75 Fourteenth Street NE Suite 2750  
Atlanta, Georgia 30309  
(404) 596-5601

*Counsel for Plaintiff*

/s/ Kathleen M. Campbell

Thomas E. Reilly  
tom.reilly@troutman.com  
Georgia Bar No. 600195  
Kathleen M. Campbell  
kathleen.campbell@troutman.com  
Georgia Bar No. 83969  
Thomas Bailey  
matt.bailey@troutman.com  
Georgia Bar No. 194516  
TROUTMAN PEPPER HAMILTON  
SANDERS LLP  
3000 Bank of America Plaza  
600 Peachtree Street NE  
Atlanta, Georgia 30308  
(404) 885-3000

*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

This is to certify that on April 14, 2021, I electronically filed the foregoing **JOINT MOTION TO EXTEND SCHEDULING ORDER DEADLINES** with the CM/ECF e-filing system, which will automatically send email notification of such filing to attorneys of record.

This 14th day of April, 2021.

/s/ Kathleen M. Campbell

Kathleen M. Campbell